

ESTTA Tracking number: **ESTTA279942**

Filing date: **04/23/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189089
Party	Plaintiff Hershey Chocolate & Confectionery Corporation, The Hershey Company
Correspondence Address	Paul C. Llewellyn Kaye Scholer LLP 425 Park Avenue New York, NY 10022 UNITED STATES pllewellyn@kayescholer.com, jeischeid@kayescholer.com
Submission	Withdrawal of Opposition
Filer's Name	Paul C. Llewellyn
Filer's e-mail	pllewellyn@kayescholer.com, jeischeid@kayescholer.com
Signature	/paul c. llewellyn/
Date	04/23/2009
Attachments	Withdrawal of Opposition on Consent for KARMAKISSES.pdf (3 pages)(49962 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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HERSHEY CHOCOLATE & CONFECTIONERY	:
CORPORATION and THE HERSHEY COMPANY,	:
	:
Opposers,	:
	:
v.	:
	:
EVER COMPANION FOOD CORP.,	:
	:
Applicant.	:
-----X	

WITHDRAWAL OF OPPOSITION ON CONSENT

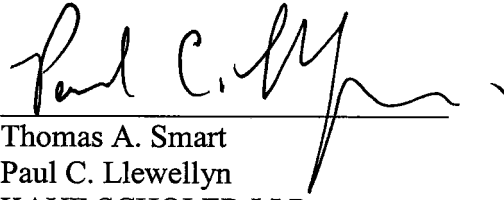
Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

WHEREAS, On March 11, 2009, applicant Ever Companion Food Corp. ("Applicant") filed a proposed amendment to the description of goods in its application Serial No. 77194584, with the written consent of opposers Hershey Chocolate & Confectionery Corporation and The Hershey Company (together, "Opposers"); and

WHEREAS by order dated March 31, 2009, the Board approved and entered the consented-to amendment;

In view of the foregoing, and upon the consent of Applicant, Opposers hereby withdraw the instant opposition without prejudice.

Dated: April 23, 2009

A handwritten signature in black ink, appearing to read "Paul C. Llewellyn", written over a horizontal line.

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Paul C. Llewellyn
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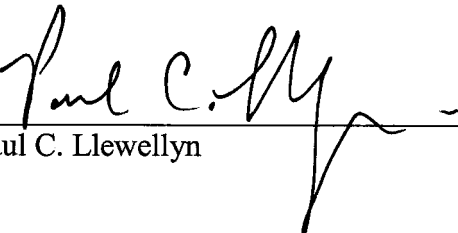
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Attorneys for Opposers

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2009, I caused the foregoing Notice of Opposition to be served by first class United States mail, postage prepaid, upon the following attorney of record for applicant:

JAMES M. SLATTERY
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Paul C. Llewellyn